

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, April 27, 2023

Under Governor Baker's Act "Extending Certain COVID-10 Measures Adopted During the State of Emergency", extending the "Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued June 16, 2021, and in effect until April 1, 2022, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

LOCATION: Zoom Virtual Platform – the meeting was held virtually per Governor Baker's Emergency Order.

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, Dave Herer, Peter Oehlkers, Alison Richardson, Polina Safran, Clay Hutchinson (Conservation Specialist).

J. Carter Bernardo opened the public meeting at 7:00 p.m.

MISCELLANEOUS BUSINESS

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENTS

470 DEDHAM AVENUE (DEP FILE #234-902) – NOTICE OF INTENT – *The Commission took up this item at this time.*

Leya Strode of BETA Group, Inc., presented on the proposed Needham Reservoir remediation and stormwater improvement project. Historically, sediment runoff from the DPW facility has accumulated in the Reservoir, resulting in shallow water depth. This project aims to improve the drainage swales placed to manage the sediment migration. The project also plans to remove approximately 1,600 cy of sediment from the Reservoir, restore eroded portions of the Reservoir Walking Path, and install an informational kiosk. BETA Group addressed a number of DEP comments through the NOI process. There is a mapped potential vernal pool within 100' of the trail maintenance work. BETA Group completed a wildlife habitat evaluation to avoid and mitigate impacts to wildlife. Minimal habitat is within the limit of work. There are beaver and muskrat lodges and dens located outside of the project area. Oversight by a wildlife biologist will take place throughout the project, including during initial dewatering of the sediment area.

L. Strode presented the swale design plan. During dredge operations, the contractor will be required to complete regular turbidity monitoring and all conditions related to monitoring. 30,375 s.f. of land under water impacts are expected, along with 14,038 s.f. of BVW impact. All BVW impact will be restored in place. There are 142 linear feet of bank impact and 1,959 s.f. of bank impact are also expected. A total of 245 s.f. of temporary riverfront area impact, and 4 s.f. of permanent riverfront impact are proposed. 6,046 s.f. of temporary integrated riverfront impact

are also proposed. No time of year restrictions have been imposed by Mass Wildlife, but dewatering is planned in the dry season to minimize impacts to wildlife. Work will be conducted behind cofferdams to reduce turbidity increases. Temporary BVW and bank impacts will be restored through planting and coir log installation. Swamp mats will be used within the wetlands to minimize soil compaction. Invasive species management is also planned during this project.

L. Strode explained that bidding on this project is anticipated in Spring 2024 and sediment removal is proposed in Summer 2024. Additional work may take place outside of this timeframe. J. Carter Bernardo asked why this project needs to go through Section 404, Chapter 91, and MEPA. Laura Krause, BETA Group, explained that impacts to resource areas exceed a half an acre, requiring the project to go through MEPA. For Section 401, the project exceeds 100 cy of dredge. The project also exceeds 5,000 s.f of impacts to waters of the Commonwealth. A Chapter 91 dredge permit is needed because this water body is navigable, and it is connected to the Charles River. Authorization under Section 404 is needed for more than 5,000 s.f. of temporary impacts to waters of the U.S. DEP had a couple of comments regarding the design during the MEPA process, which led to revisions in the plans. Comments were also received from the Charles River Watershed Association, and this also led to additional revisions to the stormwater portion of the plans.

S. Barber asked how long the project will take. Melissa Recos, BETA Group, stated that the dredging work will likely take 5-6 weeks. There will also be restoration work that takes place around this in-water work. A section of the trail will be closed during this work.

P. Oehlkers expressed hope that this will not need to be done again in the future. M. Recos stated that the existing swale has had additional control measures installed in the past. P. Oehlkers asked about the proposed invasive species work in this sensitive area. L. Krause stated that the invasive work is focused on the material removed from the areas to be regraded for the swales.

D. Herer asked about a cost estimate for this work. M. Recos stated that the project has not yet gone out for bid. Funds have been procured and ARPA funding has been set aside for the project.

A. Richardson asked when the restoration work will be completed. L. Krause stated that, as the work is slated to be complete in August/September, it likely makes sense to wait until the following spring for restoration.

P. Safran asked when the invasives management will occur. L. Krause stated that this will be managed as vegetation is removed from the swale. This could occur before or after dredging. The focus of the management is within the limit of work. This management will be monitored and reported. Managing the swale will ultimately be done by DPW.

Tom Ryder, Town Engineer, explained that there is \$2M in ARPA funding slated for this project. This intention is to work on the BMPs as soon as possible. Mike Retzky, Water Superintendent, asked that there be backup plans for the area in case of heavy rains.

There was no public comment at this time.

Motion to close the hearing for 470 Dedham Avenue by P. Safran, seconded by D. Herer, approved 6-0-0.

36 ELDER ROAD (DEP FILE #234-899) – *continued* NOTICE OF INTENT – *The Commission took up this item at this time.*

Diane Simonelli, Field Resources, Inc., presented the modified proposal. On an 18,000 s.f. lot, it appears excessive to be required to revegetate almost 2,000 s.f. She reviewed the associated regulations. Section 10.02 details exempt activities, including those to not substantially change or enlarge. This proposal is to increase the impervious only by 1.9% of the resource area, riverfront area. The proposed house is very similar to the existing in both footprint and size. The calculation has been changed to include a pervious patio, which will mitigate for the runoff from the house and patio itself. The proposal includes 470 s.f. native species plantings to an area of the site that was previously collecting junk and leaf littered. This application should be sufficient to meet the criteria for not significantly changing the associated resource area. An additional 1,700 s.f. of restoration plantings would be quite costly to the applicant.

J. Carter Bernardo suggested that staff take the revised plan and consider the 1.9% proposed.

P. Safran stated that adding impervious area is not considered a minor activity. It is unclear if this project would qualify as a minor activity. Also, the definition of “significant” is vague and up to interpretation. P. Oehlkers stated that he would like to know the absolute change proposed, versus the percentage.

D. Simonelli stated that the increase in square footage for the house itself within the outer riparian zone is 349 s.f. The total impervious increase is 951 s.f.

C. Hutchinson suggested that the applicant sit down with staff to discuss this item further.

Motion to continue the hearing for 36 Elder Road (DEP FILE #234-899) to May 11, 2023, by S. Barber, seconded by D. Herer, approved 6-0-0.

37 MOSELEY AVENUE (DEP FILE #234-896) – *continued* NOTICE OF INTENT

Karon Skinner Catrone, consultant, explained that the proposed deck encroaches within the 25’ buffer and three helical piers are proposed. Cantilevers are proposed for the rest of the site. A detailed report from an arborist was included with the plan. The additions have been moved outside of the 25’ buffer.

D. Herer asked if the additions are going to be included to become part of one large house. J. Carter Bernardo stated that the footprint and foundation will be kept the same.

A. Richardson stated that, even on piles, the deck is within the 25’ buffer and encroaches over the resource area. This is still a building within the 25’ buffer.

D. Herer asked about drainage and roof runoff. He suggested double-checking the drainage calculations. The plan and calculations do not seem to match.

The Commission reviewed the trees recommended by the arborist to be removed from the site. J. Carter Bernardo stated the tree #4 could be proposed for a snag. Tree #5 is large and in good health; the proposal is to protect and prune this tree. A. Richardson stated that this tree is located very close to the garage slab, and this will likely destabilize the root system. For safety reasons, keeping this tree may need to be evaluated. It was noted that a slab may be laid for the garage, in order to not impact this tree. The goal is to preserve the tree. J. Carter Bernardo stated the tree #7 is in good health, but proposed to be removed as it is at the corner of the proposed deck. Trees #11, 12, and 13 are within the 25' buffer zone. P. Oehlkers stated that more snags would be better.

The Commission discussed questions from abutter Barbara Cataldo. J. Carter Bernardo the Commission can condition that helical piles are installed as part of the project. If changes are proposed to this, the applicant would have to come back before the Commission. B. Cataldo expressed concern with the larger size of the proposed deck and the extra weight a foundation for this will add. She noted that the house was always stated as being 672 s.f. but has somehow continued to change in recent years. J. Carter Bernardo stated that the Commission requires a surveyed plan. The size of the house likely has not changed, but the accuracy of the survey may have. B. Cataldo asked about the actual footprint of the proposed house.

Nancy Smith, 29 Moseley Avenue, asked which proposed additions to the house will have basements included. J. Carter Bernardo explained that the hope from the applicant is for all of the additions to have full basements, but this will need to be cleared through the Planning Department. N. Smith suggested cantilevering the entire new structure, instead of placing pilings within the resource area. J. Carter Bernardo noted that there is likely not enough width to cantilever the entire structure. Daniel Deychman, builder, explained that the proposed deck, with the helical pilings, is proposed as a way to give the applicant some amount of outdoor space. N. Smith noted that one of the rain gardens is proposed directly on her property line, instead of following the BMP of 10' away. This could lead to water puddling in her backyard. D. Deychman suggested that the two rain gardens could be consolidated back into one and moved farther away from this property line. N. Smith stated that the drainage proposed is not within the test area and it is unclear if this is truly adequate. She does not want more water coming onto her property post-construction and requested that this be a determination of an engineer. J. Carter Bernardo stated that it seems reasonable to request that an engineer design the drainage system and rain garden.

J. Carter Bernardo noted several areas of potential consideration, including double checking the areas existing and proposed of the house impervious areas, double check the drainage calculations, adjust the hay bale line, confirm who conducted the soil test, look into the root zone for the large tree near the garage, considering snags for the decaying trees, confirming the drainage calculations, conditioning the helical piles, adjusting the hay bale to be a 12" silt sock, shifting the second rain garden 10' away from the property line, providing information that the rain garden and the stormwater system were designed by an engineer, contact information sent to abutters, and further discussion about the deck being located within the 25' buffer.

Motion to continue the hearing for 37 Moseley Avenue (DEP FILE #234-896) to May 11, 2023, by S. Barber, seconded by P. Safran, approved 6-0-0.

36 ELDER ROAD (DEP FILE #234-899) – continued NOTICE OF INTENT – *This item was previously addressed.*

470 DEDHAM AVENUE (DEP FILE #234-902) – NOTICE OF INTENT – *This item was previously addressed.*

124 EDGEWATER ROAD (DEP FILE #234-901) – NOTICE OF INTENT

John Rockwood, EcoTec, Inc., explained that the central portion of the property is wetland, including some areas of lawn. The proposal is to demolish most of the existing house, with a portion of the foundation to remain, and construction of a new house. The existing driveway will be expanded. There are ten trees proposed to be removed as part of the project. All roof runoff will be gathered and brought to a new drainage system. The limit of work will remain out of the 50' buffer zone and outside of the 100' buffer to the assumed vernal pool. There is some grading work within the riverfront area, with three trees proposed to be removed. The grades will be pulled back so that land subject to flooding will be moved, allowing for an extra 631 cubic feet of flood storage on the property. The proposal includes planting ten new saplings in the wetland to mitigate for the trees to be removed. The intention is to include new species to increase the biodiversity of the site. The project complies with the Wetland Protection Act regulations and with the applicable regulations under the bylaw. Two waivers are requested for mitigation plantings. A test pit will be performed prior to construction and witnessed by an engineer.

P. Oehlkers requested snags, if possible.

Motion to close the hearing for 124 Edgewater Road, by S. Barber, seconded by D. Herer, approved 6-0-0.

OTHER BUSINESS:

1616 GREAT PLAIN AVENUE (DEP FILE #234-900) – ISSUANCE OF ORDER OF CONDITIONS

The Commission reviewed Exhibit A for the Order of Conditions.

Motion to issue an Order of Conditions as written, by D. Herer, seconded by P. Safran, approved 5-0-1 (P. Oehlkers abstained).

ADJOURN:

Motion to adjourn the meeting, by S. Barber, seconded by P. Safran, approved 6-0-0.

The meeting was adjourned at 9:54 p.m.

NEXT PUBLIC MEETING:

May 11, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*